

Case 2:16-cv-01655-RAJ Document 8 Filed 11/15/16 Page 1 of 26
First Amended Complaint
Pursuant to FCPR, LCR 103

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

KYLE LYDELL CANTY
VS. Plaintiff,

Case Number
2:16-CV-01655-RAJ-
JPD

SEATTLE POLICE DEPT.
CITY OF SEATTLE
KING COUNTY
STATE OF WASHINGTON
Defendants.



NOV 15 2016

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

Plaintiff alleges:

Introduction

1. This is an action pursuant to the Civil Rights Act of 1871, 42 U.S.C.A. 1983, 28 U.S.C.A. 1331, 18 U.S.C.A. 241, 18 U.S.C.A. 242, 18 U.S.C.A. 1201(A), (C), and 28 U.S.C.A. 1343, Seeking redress for the deprivation of the Plaintiffs Constitutional rights. Venue is proper in this District, as all of the acts complained of occurred in downtown Seattle Washington on fourth avenue

Jurisdiction

2. This Court has Jurisdiction over this action under 28 U.S.C.A. 1343(A)(3) for a knowingly intentional violation of Constitutional rights as provided in 42 U.S.C.A. 1983, also this Court has Jurisdiction over this action Under 28 U.S.C.A. 1331, 18 U.S.C.A. 241, 18 U.S.C.A. 242, and 18 U.S.C.A. 1201(A)(C). The Plaintiff seeks injunctive relief and monetary damages as well Punitive Damages, and attorney fees and Costs pursuant to 42 U.S.C.A. 1988.

3. The Plaintiff seeks redress for intentionally, knowingly, and willful violation of the plaintiff's right pursuant to the Fourth Amendment of the Constitution of the United States to be free from illegal seizures, and no warrants shall be issued, but upon probable cause, supported by Oath or affirmation

Pursuant to the First Amendment of the Constitution of the United States: to be free from discrimination of one's religion, prohibiting the free exercise thereof; abridging the freedom of speech, or of the press; or the right of the plaintiff peaceably to assemble; and to petition the Government for a redress grievances,

Pursuant to the Second Amendment of the Constitution of the United States; being necessary to the security of a free state, the right of the plaintiff to keep and bear arms, shall not be infringed.

Pursuant to the Fifth Amendment of the Constitution of the United States; the plaintiff shall not be held to answer for any crime unless on a actual indictment of a Grand Jury, nor shall the plaintiff be subject for the same offence to be twice put in jeopardy

nor shall the plaintiff be deprived of life, liberty, or property, without due process of law; nor shall the plaintiff's private property be taken for public use, without Just Compensation.

Pursuant to the Sixth Amendment; the plaintiff shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime alleged to have been committed, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in the plaintiff's favor, and to have the Assistance of Counsel for the plaintiff's defence

Pursuant to the Eighth Amendment of the Constitution of the United States; the plaintiff's right to be free from cruel and unusual punishments; excessive bail or fines, shall not be inflicted

Pursuant to the Fourteenth Amendment of the Constitution of the United States; the Plaintiff's right to be free from malicious prosecution, malicious abuse of process, and the Plaintiff's right to due process of law must be guaranteed

Identity of the Parties

4. The plaintiff Kyle Lydell Canty is an adult African American male residing in Seattle Washington, MR. Canty is the same African American male who wrote a article for the guardian and the article was published. The article was dealing with MR. Canty's own experiences in the United States as a targeted African American male. MR. Canty further writes in the article how police departments in the United States have consistently harassed him, falsely charged him with crimes he hasn't committed

P 5 of 25

thus making MR. Canty fearful of all police departments in the United States, due to their racist police tactics that has been well documented and televised on a international scale. MR. Canty decides to flee the United States, and claim Asylum in Canada in search of freedom. MR. Canty enjoys Photography, Videography, and Journalism in his spare time, and he also writes in the article for the guardian that he is well versed in Constitutional law, as well as international law

The Defendants

5. The Seattle Police Department, City of Seattle, King County, The State of Washington, was at all times relevant to the allegations contained in this Complaint

6. At all times relevant to the allegations, the Seattle Police Department, City of Seattle, and King County, knowingly, intentionally, and willfully pursuant to 18 U.S.C.A 241, and pursuant to 18 U.S.C.A 242, violated the Constitution of the United States by the State of Washington's own discoverable evidence in the Seattle Police Department's own writings that can not be contested.

Facts

7. On July 8th 2016 around 6:00 p.m. MR Canty was in downtown Seattle Washington enjoying a nice Summer day trying to take photography pictures with his advanced phone, this same phone also video records

8. On July 8th 2016 around 6:00p.m. the Seattle police department in unmarked SUVs not identified as patrol vehicles.

9. On July 8th 2016 around 6:15p.m. Without Probable Cause or Justification, the Seattle Police department, City of Seattle, and King County Pursuant to RCW 71.05.153, RCW 71.05.180 proceeded with a knowingly, intentional, willful, harmful unconstitutional illegal untrue and unfounded emergent dentation / Involuntary Commitment act. This information is according to the State of Washington's own discoverable evidence, further in which was written / typed by the Seattle Police department. MR. Canty's medical records from Harborview medical Center further backs up the illegal and unconstitutional Proceeding that had taken place

10. according to the State of Washington's own discoverable evidence along with MR. Canty's medical records from Harborview Medical Center on July 7th 2016 just a day before the illegal involuntary commitment the Seattle Police Department along with King County filling D.M.H.P.'s Melinda Hasegawa, and Gail Bonicalzi - Crisis and Commitment Set MR. Canty up to be illegally involuntarily committed to Harborview Medical Center.

11. On July 8th 2016 in downtown Seattle on fourth avenue in front on hundreds of people MR. Canty was harassed, stalked, and hunted down by the Seattle Police Department first in unmarked dark colored SUV's and then, Bike Police, with the help of foot patrol cops

MR. Canty was recording this whole unconstitutional act with his advanced Samsung galaxy note 4 Cell phone. The Seattle police department on video told MR. Canty you're under arrest, from inside their unmarked dark colored SUV. The Seattle police department in front of hundreds of witnesses never read MR. Canty his Miranda rights at any time. MR. Canty is screaming repeatedly that he wants a lawyer, this video is in the State of Washington's own discoverable evidence, that the King County Prosecutors office copied from off of the internet site of twitter, the video was captured from one of the hundreds of witnesses that witnessed this unconstitutional act. MR. Canty's cell phone was slapped out of his hand while he was recording this whole illegal arrest, the arrest was illegal according to the no probable cause for MR.

Canty's arrest discovered later down the line by MR. Canty himself via MR. Canty's own medical records.

12. MR. Canty was taken to Harborview medical center illegally and involuntarily due to the official police misconduct and lies of the Seattle police department and King County. Seventy two hours later not including Saturday or Sunday MR. Canty was released from Harborview medical center. When Harborview medical center informed the Seattle police department and King County that the hospital could not hold MR. Canty there anymore, and that they didn't believe the Seattle police department or King County. Harborview medical center released MR. Canty so that the hospital wouldn't be liable in court.

13. On July 13th 2016, MR Canty was released from Harborview medical center, however before MR. Canty could enjoy his freedom from the unconstitutional experience that he endured in downtown Seattle on fourth avenue on July 8th 2016, At the time of MR. Canty release while still at Harborview medical center getting ready to exit from the floor he was on, the Seattle police department once more unconstitutionally arrested MR. Canty and according to the Seattle police departments own police bulletin, The bulletin states false allegations, and also states there is no probable cause for MR. Canty's arrest, MR. Canty discredited this bulletin in his medical records, it's very clear by the words on the bottom of the bulletin that the Seattle police department

or King County never intended for anyone to see the bulletin. The bulletin clearly states

"Confidential - Police use only - Dispose of in Shredder Only not for public Display or distribution - Do not forward or Copy" Quote. Since Harborview medical Center released MR. Canty because they didn't believe King County, or the Seattle police department, this now becomes Pursuant to 18 U.S.C.A 1201 (A)(C) two counts for each time MR. Canty was unconstitutionally with no probable cause according to the Seattle police department's own bulletin held against his own free will.

14. MR. Canty was picked up and transferred to King County Jail via ambulance with the Seattle Police department riding in the back with MR. Canty, while unconstitutionally interrogating him this occurred on July 13th 2016

15. according to the State of Washington's discoverable evidence. a Probable Cause hearing was unconstitutionally held without MR. Canty, a lawyer, or any public defender. MR. Canty knows this for a fact, reason being is because MR. Canty is a "pro se" litigant in this matter, MR. Canty also went backwards, pursuant to I.1 CrR. and made the proper motions questioning how was Probable Cause determined, MR. Canty also challenged the States information to the Charge of Felony harassment on a Seattle police department officer MR. Canty doesn't know these Seattle Police department officers and the legislative intent for the Charge of Felony harassment is meant to be used in domestic violence cases, The King County Prosecutors office, along with the State of Washington is

knowingly, intentionally, and willfully charging multiple people with felony harassment, and lying in the information to conform to the charge of felony harassment in order to obtain a false conviction in which is a clear violation of MR. Canty's constitutional rights along with everyone else's constitutional rights also.

16. MR. Canty's bail has been set at fifty thousand dollars MR. Canty is currently homeless according to the State of Washington discoverable evidence so how is MR. Canty expected to bail himself out of Jail?

17. MR. Canty was granted the right to represent himself in court, and MR. Canty requested Standby Counsel multiple times on the record, but he was denied

MR. Canty has also made motions to the Courts and the Chief Judge Dean S. Lum and all MR. Canty's motions were illegally denied. MR. Canty on the record also put the Court on notice of his Constitutional right to a sixty day speedy trial, it clear that the King County Courts don't recognize Constitutional law. MR. Canty has been falsely incarcerated at the King County Jail for four months now, even though MR. Canty has never signed any continues, and has objected on the record to any continues. MR. Canty once again is the "pro se" litigant, however the State of Washington, along with King County are knowingly intentionally and willfully violating MR. Canty's Constitutional rights.

18. According to the State of Washington's own discoverable evidence the Seattle police department has even tried to get the Federal Bureau of investigations to conspire with them and according to the State's discoverable evidence the Federal Bureau of investigations told the Seattle police department and King County no way. The Seattle police department by their own statements in the State's discoverable evidence has set MR. Canty up, so that he could not legally own a firearm, thus violating yet another one of MR. Canty's constitutional rights. Prior to July the 8th MR. Kyle Lydell Canty had no felony convictions on his record. This statement is according to the State of Washington's own discoverable evidence and MR. Canty doesn't contest the prosecutors understanding of MR. Canty's felony convictions as prior to July 8th 2016

19. The Defendants Seattle Police department, The City of Seattle, King County, and The State of Washington has subjected Plaintiff to multiple prosecutions including a new charge two months after the original information of assault in the third degree, this tactic is intentionally being used by King County, the State of Washington and the Seattle Police department in order to secure a faulty conviction, by MR. Cant excepting a plea agreement. These multiple prosecutions are for the same alleged crime the allegedly had occurred on July 8th 2016

20. The Defendants the Seattle Police department, King County, and the State of Washington participated in falsely trying to convict the Plaintiff

Knowingly, intentionally, willfully,
and maliciously to punish
MR. Canty the plaintiff for
exercising his Constitutional
rights of the United States

22. The actions of The Seattle
Police department, The City of
Seattle, King County, and the
State of Washington constitute
a deprivation of plaintiffs
Constitutional rights, including
but not limited to: (A) Plaintiff's
right pursuant to the Fourth
amendment of the Constitution
of the United States to be free
from illegal seizures, and no Warr
ants shall be issued, but upon
probable cause, supported by
oath or affirmation (B) Plaintiff's
right pursuant to the First ame
ndment of the Constitution of
the United States: to be free
from discrimination of one's

religion, Prohibiting the free exercise thereof, abridging the freedom of Speech, or the freedom of Speech, or of the press; or the right of the plaintiff peaceably to assemble even if it is at a (Black lives matter rally/march); and to petition the government for a redress grievances

(C) Plaintiff's right pursuant to the second amendment of the Constitution of the United States the right of the plaintiff to keep and bear Arms, shall not be infringed. (D) Plaintiff's right pursuant to the Fifth Amendment of the Constitution of the United States; the plaintiff shall not be held to answer for any crimes unless on a actual indictment of a Grand Jury, nor shall the plaintiff be subject for the same offence to be twice put in jeopardy

nor shall the plaintiff be deprived of life, liberty, or property, without due process of law; nor shall the plaintiff's private property be taken for public use, without just compensation (E) Plaintiff's right pursuant to the Sixth Amendment of the Constitution of the United States the plaintiff shall enjoy the right to a Speedy Sixty day and right Public trial by an impartial Jury of the State and district where in the crime allegedly have been committed, the plaintiff shall also have the right to be confronted with the witnesses against him; the plaintiff shall also have the right to have compulsory process for obtaining multiple witnesses in the plaintiff's favor, and to have the Assistance of Counsel for the plaintiff's defence

(F) Plaintiff's right pursuant to the Eighth Amendment of the Constitution of the United States; the plaintiff's right to be free from Cruel and Usual Punishment such as the plaintiff's false imprisonment, and King County Jail's abuse (mental and physical); the plaintiff's right to be free from excessive bail or fines, such as King County requiring a fifty thousand dollar bail for the homeless Plaintiff (G) Plaintiff's right pursuant to the Fourteenth Amendment of the Constitution of the United States to be free from malicious prosecution, malicious abuse of process, such as what King County is doing right now to the Plaintiff in the lower courts. The plaintiff's right to due process of law must be guaranteed.

Conclusion

23. AS a direct and proximate result of the acts of the defendants, The Seattle Police Department, The City of Seattle, King County, and the State of Washington, the plaintiff has suffered severe emotional distress, humiliation, embarrassment, pain and suffering, physical and mental abuse (documented), missed his birthday, and all holidays since July 8th 2016, the plaintiff will also not get to enjoy Thanksgiving, Christmas, or New Years. Plaintiff also anticipates future attorney fees, Court Costs, and has suffered multiple business opportunities pertaining to his life long dream to become a Professional photographer, Video grapher, Journalist, and Book author.

24. The acts of the defendant's The Seattle Police Department, The City of Seattle, King County, and The State of Washington were done knowingly intentionally willfully, and maliciously with the intent to deter the plaintiff from exercising his Constitutional rights to a fair trial and such acts warrant the imposition of punitive damages.

Prayer For Relief

Wherefore, MR. Canty the plaintiff Prayer for relief against the defendants The Seattle Police Department, The City of Seattle, King County, and the State of Washington is in an amount excess of \$ 250,000,000. = two hundred fifty million dollars and no Cents, not including future attorney fees, current, or future Court Cost, Plus MR. Canty

is seeking/requesting a permanent injunction against The Seattle Police Department, The City of Seattle, King County, and the State of Washington, Prohibiting the defendants from prosecuting the Plaintiff pursuant to all of the Plaintiff's Exhibits, Evidence, and the State of Washington's own discoverable evidence that MR. Kyle Lydell Canty will be including with Civil Case number 2:16-CV-01655-RAJ- JPD

Prepared by:

2 11/07/2016
KYLE Lydell Canty
BA# 216020036
King County Jail
500 5th Ave
Seattle WA 98104

0030 KU

0030 KU
KYLE LYDELL CANTY
ID # 216020036
King County Correctional Facility
105th Ave
Bellevue, WA 98104

Clerk, United States
District Court
United States Courthouse
700 Stewart Street
Suite 2310
Seattle WA 98101



US POSTAGE
FP
\$ 02.20
Printed From 98104
First-Class
11/09/2016
032A 0061807160

FOR LEGAL MAIL ONLY